

Court of Appeals, State of Michigan

ORDER

DaimlerChrysler Corp v Hadler Public Relations Inc

Docket No. 260066

LC No. 02-229070-CK

Brian K. Zahra
Presiding Judge

Helene N. White

Kirsten Frank Kelly
Judges

In lieu of granting leave to appeal, the December 17, 2004 order entered by the Wayne Circuit Court granting defendant's motion for a stay is REVERSED.

Defendant sought a stay on the ground that a ruling in a Los Angeles declaratory judgment action between the parties' insurers barred this action pursuant to the doctrine of collateral estoppel. If the trial court determines that the Los Angeles judgment has preclusive effect, a stay pending a final determination of that case may be appropriate. *Bank of the Commonwealth v Hulette*, 82 Mich App 442, 444-445; 266 NW2d 841 (1978). If the trial court determines that the Los Angeles judgment does not have any preclusive effect, a stay would not be necessary. Because the trial court has yet to determine whether the doctrine of collateral estoppel applies in this case, an issue which can be determined before the appeal in the Los Angeles case is decided, the trial court abused its discretion in granting a stay.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 20 2005

Date

Sandra Schultz Mengel
Chief Clerk